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ABSTRACT

This document comprises a bill introduced in the U.S. Senate to provide Federal aid to urban schools determined to be most in need of financial assistance. The proposed legislation, which, if enacted is to be called the "Urban Schools of America (USA) Act of 1991," also allocates funds for research in urban education. The purpose of the Act is to accomplish the following: (1) assist urban schools in meeting national education goals; (2) improve the educational and social well-being of urban public school children; (3) close the achievement gap between urban and non-urban school children, while improving the achievement level of all children nationally; (4) renovate and repair urban school buildings and facilities; (5) conduct coordinated research on urban education problems, solutions, and promising practices; (6) improve the nation's global economic and educational competitiveness by improving its urban schools; (7) encourage community, parent, and business collaboration in the improvement of urban schools; and (8) review regulations the simplification of which might improve the achievement of urban school children. The bill includes 18 findings by Congress and is divided into the following major sections: Title I, "Urban School Improvement"; Title II, "School Building Repair and Renovation"; Title III, "Urban School Research"; and Title IV, "General Provisions." (AF)

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102D CONGRESS
1ST SESSION

S. 720

To provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21 (legislative day, FEBRUARY 6), 1991

Mr. KENNEDY (for himself, Mr. METZENBAUM, Mr. PELL, Mr. SIMON, Mr. DODD, Mr. WELLSTONE, Mr. AKAKA, Mr. KOHL, Mr. CRANSTON, Mr. WIRTH, and Mr. RIEGLE) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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A BILL

To provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Urban Schools of America (USA) Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

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SEC. 2. FINDINGS.

The Congress finds that—

(1) the ability of the Nation's major urban school systems to meet the Nation's educational goals will determine the country's economic competitiveness and academic standing in the world community;

(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's inner cities;

(3) the success of urban schools in boosting the achievement of its minority youth attending such schools will determine the ability of the Nation to close the gap between the "haves and have-nots" in society;

(4) the cost to America's businesses to provide training to America's employees is approximately $30,000,000,000 per year;

(5) approximately one-third of the Nation's work force will be minority by the year 2000;

(6) urban schools enroll a disproportionately large share of the Nation's poor and "at-risk" youth;

(7) urban schools enroll approximately one-third of Nations's poor, 40 percent of the Nation's African-American children, and 30 percent of the Nation's Hispanic youth;

(8) nearly 20 percent of the Nation's limited-English proficient children and 15 percent of the Nation's disabled youth are enrolled in urban schools;

(9) the academic performance of students in the average inner-city public school system is below that of students in most other kinds of school systems;

(10) urban school systems have higher dropout rates, more problems with health care and less parental participation than other kinds of school systems;

(11) urban preschoolers have one-half the access to early childhood development programs as do other children;

(12) shortages of teachers in urban school systems are 2.5 times greater than such shortages in other kinds of school systems;

(13) declining numbers of urban minority high school graduates are pursuing postsecondary educational opportunities;

(14) urban school systems have greater problems with teen pregnancy, discipline, drug abuse and gangs than do other kinds of school systems;

(15) 75 percent of urban school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and such buildings are often in serious disrepair and create poor and demoralizing working and learning conditions;

(16) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

(17) State and Federal funding of urban schools has not adequately reflected need; and

(18) Federal funding that is well targeted, flexible and accountable would contribute significantly to addressing the comprehensive needs of inner-city schools.

SEC. 3. STATEMENT OF PURPOSE.

It is the purpose of this Act to provide financial assistance for those urban schools most in need to—

(1) assist urban schools in meeting national education goals;

(2) improve the educational and social well being of urban public school children;

(3) close the achievement gap between urban and nonurban school children, while improving the achievement level of all children nationally;

(4) renovate and repair urban school buildings and facilities;

(5) conduct coordinated research on urban education problems, solutions and promising practices;

(6) improve the Nation's global economic and educational competitiveness by improving the country's urban schools;

(7) encourage community, parental and business collaboration in the improvement of urban schools; and

(8) review regulations whose simplification might improve the achievement of urban school children.

TITLE I—URBAN SCHOOL IMPROVEMENT

SEC. 101. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 to carry out the provisions of this title.

SEC. 102. ALLOCATION OF FUNDS.

(a) RESERVATIONS.—From the amount appropriated or otherwise made available to carry out the provisions of this title for any fiscal year after the first fiscal year in which the Secretary awards allotments to eligible local educational agencies under this title, the Secretary shall reserve 5 percent of such funds to provide competitive awards in accordance with section 107.

(b) ALLOTMENTS.—From the remainder of the sums not reserved under subsection (a), the Secretary shall allot to each eligible local educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount such eligible local educational agency was allocated under sections 1005 and 1006 of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such sections in such preceding fiscal year by all eligible local educational agencies.

(c) RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—

(1) IN GENERAL.—From the amounts allotted under subsection (b) of this section for any fiscal year, each eligible local educational agency shall reserve not more than 5 percent to make as many grants as practicable for the activities described in section 105 to—

(A) community-based organizations; or

(B) nonprofit partnerships between the eligible local educational agency and a city-wide collaborative of private sector businesses.

(2) SPECIAL RULE.—Grants awarded pursuant to paragraph (1) shall be of sufficient size, scope and quality to be effective.

(d) PAYMENTS.—

(1) IN GENERAL.—The Secretary shall annually pay to each eligible local educational agency having an application approved under section 103 the costs of the activities described in the application.

(2) PAYMENT REQUIREMENTS.—The Secretary shall only make annual payments to eligible local educational agencies which—

(A) comply with the provisions of section 106(c); and

(B) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 106(c) shows progress toward meeting national education goals.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of any allotment or grant made under this title may be used for administrative costs.

SEC. 103. APPLICATION REQUIRED.

(a) APPLICATION REQUIRED.—

(1) LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—Any eligible local educational agency desiring to receive an allotment from the Secretary to carry out the provisions of this title shall—

(i) develop and prepare an application with the local advisory group in accordance with section 109 of this Act;

(ii) submit to the State educational agency the application for review and comment; and

(iii) submit the application described in clause (i) to the Secretary for approval.

(B) DURATION.—Except as provided in section 106, the application described in clause (i) may be for a period of not more than 3 years.

(2) COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Any community-based organization or nonprofit partnership described in section 102(c) desiring to receive a grant from an eligible local educational agency pursuant to section 101(c) shall—

(A) prepare an application for approval by the local advisory group described in section 109 and submit such application to the eligible local educational agency;

(B) describe in the application the collaborative efforts undertaken with the local edu-

cational agency in designing a program to meet the purposes of the Act; and

(C) describe in the application how funds will be used to help meet the education goals selected by the local educational agency pursuant to subsection (c) of this section.

(b) CONTENTS OF LOCAL EDUCATIONAL AGENCY APPLICATION.—Each application submitted by an eligible local educational agency pursuant to paragraph (1) of subsection (a) shall include a description of—

(1) the ranking of all schools in the eligible local educational agency by achievement, poverty, and racial isolation and how such schools will be served in accordance with section 110(a);

(2) the community served by the eligible local educational agency and the effects of the community on the educational conditions within the schools served by the eligible local educational agency;

(3) the collaboration in program planning with the local advisory group described in section 109;

(4) the goals selected by the eligible local educational agency pursuant to section 106(b), the rationale for choosing such goals over others, and a description of whether the goals selected differ be-

tween elementary and secondary schools in the district;

(5) how funds received under this title will be used to meet the national educational goals selected by the eligible local educational agency;

(6) how promising or successful models or programs will be replicated in designing activities assisted under this title; and

(7) the statistical indicators and other criteria that the eligible local educational agency will use to measure progress toward meeting national education goals, and a description of what the local educational agency has done to ensure that any assessments used to measure such progress will not have a negative effect on minority or language minority students.

SEC. 104. PLANNING PERIOD.

Any eligible local educational agency requiring additional planning efforts to meet the provisions of this title may use the first 6 months of the initial program year for planning purposes, subject to approval by the Secretary, except that no more than 15 percent of the first year's allotment shall be used for such purposes. A written report of the results of the plan shall be submitted to the Secretary.

SEC. 105. USES OF FUNDS.

(a) IN GENERAL.—Funds allotted under this title shall be used by eligible local educational agencies, or community-based organizations or nonprofit partnerships described in section 103(b) to meet national education goals through programs designed to—

(1) increase the academic achievement of urban school children to at least the national average, including—

(A) effective schools programs;

(B) tutoring, mentoring, and other activities to improve academic achievement directly;

(C) activities designed to increase the participation of minority and female students in entry level and advanced courses in mathematics and science;

(D) supplementary academic instruction;

(E) efforts to improve problem-solving and higher-order thinking skills;

(F) programs to increase student motivation for learning; and

(G) efforts to lengthen the school day, school year or reduce class sizes;

(2) ensure the readiness of all urban children for school, including—

(A) full workday, full calendar-year comprehensive early childhood development programs;

(B) parenting classes and parent involvement activities;

(C) activities designed to coordinate prekindergarten and child care programs;

(D) efforts to integrate developmentally appropriate prekindergarten services into the overall school program;

(E) upgrading the qualifications of early childhood education staff and standards for programs;

(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

(G) establishment of comprehensive child care centers in high schools for student-parents and their children; and

(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient preschool children;

(3) increase the graduation rates of urban students to at least the national average, including—

(A) dropout prevention activities and support services for students at-risk of dropping out of school;

(B) re-entry, outreach and support activities to recruit students who have dropped out of school to return to school;

(C) development of systemwide policies and practices that encourage students to stay in school;

(D) efforts to provide individualized student support, such as mentoring programs;

(E) collaborative activities between schools, parents, community groups, agencies and institutions of higher education aimed at preventing individuals from dropping out of school;

(F) programs to increase student attendance; and

(G) alternative programs for students, especially bilingual and special education students, who have dropped out of school or are at-risk of dropping out of school;

(4) prepare urban school graduates to enter higher education, pursue careers and exercise their responsibilities as citizens, including—

(A) activities designed to increase the number and percentages of students, particularly minority students, enrolling in postsecondary educational institutions after graduation from secondary schools;

(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

(C) activities designed in collaboration with colleges and universities to assist urban school graduates in completing higher education;

(D) efforts to increase voter registration among eligible high school students;

(E) activities designed to promote community service and volunteerism among students, parents, teachers, and the community; and

(F) civic education and other programs designed to enhance responsible citizenship and understanding of the political process;

(5) recruit and retain qualified teachers, including—

(A) school-based management projects and activities;

(B) programs designed to test efforts to increase the professionalism of teachers or to bring teachers up to national voluntary standards;

(C) alternative routes to certification for qualified individuals from business, the military and other fields;

(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, and special education and bilingual teachers;

(E) upgrading the skills of teacher aides and paraprofessionals to assist such individuals in becoming certified teachers;

(F) efforts specifically designed to increase the number of minority teachers in urban schools;

(G) programs designed to "grow your own" teachers;

(H) incentives for teachers to work in inner-city schools; and

(I) collaborative activities with urban universities to revise and upgrade teacher training programs; and

(6) decrease the use of drugs and alcohol among urban students, and to enhance the physical and emotional health of such students, including—

(A) activities designed to improve the self-esteem and selfworth of urban students;

(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

(C) programs designed to improve safety and discipline and reduce in-school violence, vandalism and gang activity;

(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students and teachers;

(E) collaborative activities with other agencies, businesses, and community groups to discourage the advertisement and glorification of drugs and alcohol;

(F) efforts to enhance health education and nutrition education; and

(G) alternative schools, and schools-within-schools programs, including bilingual and special education programs for students with special needs.

(b) SPECIAL RULE.—Funds allotted under this title may be used for the planning, development, operation, or expansion of programs and activities which are designed to assist urban schools in meeting national education goals, and may include—

(1) training of teachers and other educational personnel in subject areas, or instructional technology and methods that would improve the delivery of services in urban settings in any of the national education goal areas, including staff development efforts which emphasize multicultural and gender and disability bias-free curricula;

(2) coordination and collaboration with other municipal agencies, child care organizations, universities or the private sector;

(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

(4) guidance counseling, psychological, social work, and other support services that contribute to progress in achieving national education goals;

(5) efforts to acquire and improve access to educational technology;

(6) programs to serve homeless children, desegregating children, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a school assisted under this title; and

(7) efforts to improve and strengthen the curriculum and coordinate services across grade levels.

(c) PRIORITY.—Each local educational agency submitting an application under this section shall give priority in designing the program assisted under this title to activities that replicate successful efforts in other local educational agencies or expand successful programs within the eligible local educational agency.

SEC. 106. ACCOUNTABILITY.

(a) IN GENERAL.—The Secretary may award an allotment under this title to an eligible local educational agency to enable such an agency to operate a program under this title for a period of not more than 3 years. If an eligible local educational agency receiving an allotment under this title meets the accountability requirements described in subsection (b) at the end of 3 years and the requirements described in subsection (c) at the end of each year, as determined by the Secretary, such agency shall be eligible to continue the project with funds

under this title for an additional 3 years if such agency so desires.

(b) REQUIREMENTS TO MOVE TOWARD NATIONAL EDUCATION GOALS.—

(1) PROGRAM CONTINUATION.—If, after 3 years, an eligible local educational agency receiving an allotment under this title is able to demonstrate to the satisfaction of the Secretary that it has increased the achievement level of the lowest 2 quartiles of students in schools assisted under this title as measured by the statistical indicators and other criteria specified in the application in excess of the average such achievement of such agency in the 3 years prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this title for an additional 3 years upon reapplication under section 103.

(2) SPECIAL RULE.—If, after 3 years, an eligible local educational agency receiving an allotment under this title is able to demonstrate progress on meeting at least 3 other national education goals as measured by the criteria described in paragraph (3), then such agency shall be deemed to have met the requirements of paragraph (1) so long as the achievement level of the schools assisted under this

title did not decline in any of the 3 previous school years.

(3) CRITERIA.—For purposes of paragraph (2), the criteria are:

(A) The number or percentage of preschool children served by the eligible local educational agency is greater than the average such number or percentage in the 3 previous school years.

(B) The secondary school graduation rate in the eligible local educational agency is greater than the average such rate for the 3 previous school years.

(C) The percentage of secondary school graduates in the eligible local educational agency enrolled in postsecondary education is greater than such percentage for the 3 previous school years.

(D) The percentage of the teaching force in the eligible local educational agency who are minorities is greater than the average such percentage for the 3 previous school years.

(E) The incidence of discipline, drug-related or in-school crime in the eligible local educational agency is less than the average such incidence in the 3 previous school years.

(c) COLLECTION OF DATA.—Each eligible local educational agency, community-based organization, or nonprofit partnership described in section 102(c)(2) receiving an allotment under this title shall annually collect and submit to the Secretary data based on the statistical indicators and other criteria described in the application submitted by such eligible local educational agency for the purposes of monitoring progress in achieving national education goals. Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the schools served under this title.

SEC. 107. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.

From amounts reserved pursuant to section 102(a) or otherwise made available, the Secretary is authorized to make competitive awards to individual schools participating in a program assisted under this title which demonstrate to the satisfaction of the Secretary at least 3 of the following:

(1) Unusual or exemplary progress in achieving the national education goals through programs described in section 105.

(2) Exemplary or unusually effective collaborative arrangements between the schools, commu-

nity-based organizations, agencies, parent groups, colleges and businesses.

(3) Identification, review and removal of potential barriers to student performance in the national education goal areas, such as suspensions and expulsions, in-grade retentions, ability grouping, and lack of access to course offerings in pre-algebra and introductory algebra.

(4) Substantial expansion of the hours schools assisted under this title remain open for community use or student after-school recreation.

SEC. 108. REGULATORY ASSESSMENT.

(a) REPORT ON URBAN PUBLIC SCHOOLS.—In order to assist eligible local educational agencies under this Act in improving the performance of urban school children, the Secretary shall, not later than January 1, 1993, prepare a report on the impact of Federal regulations, guidelines and policies on urban public schools.

(b) CONTENTS OF REPORT.—The report shall analyze the impact of Federal legal, regulatory, policy and organizational requirements on the time and resources that eligible local educational agencies assisted under this Act have for educating students, including fiscal resources, staff time, facilities, instructional equipment, and services. The report shall make recommendations on how best to

simplify Federal regulations, guidelines and policies so that more resources can be devoted to improving urban school performance. The report shall also identify the regulations whose waiver might be used as incentives or rewards for unusual progress toward meeting national education goals.

(c) SPECIFIC ISSUES FOR ANALYSIS.—In preparing the report required by subsection (a), the Secretary shall analyze—

(1) the effect of regulatory requirements on local program flexibility and management within eligible local educational agencies;

(2) the effect of regulatory requirements on the size, cost and composition of administrative practices within eligible local educational agencies;

(3) the extent to which regulatory requirements are duplicative or contradictory;

(4) the amount of time and resources that school administrators and teachers must spend responding to data requests and reporting requirements pursuant to Federal law;

(5) the extent to which regulatory requirements are related to instructional rather than noninstructional practices in eligible local educational agencies;

(6) the relationship between specific regulatory requirements and the educational performance of urban students; and

(7) how the waiver or simplification of regulatory requirements could enhance the performance of urban school children and the progress of urban schools in meeting national education goals.

(d) SAMPLE DATA.—The Secretary may, in developing the report described in subsection (a), use appropriate sampling techniques.

(e) CONSULTATION WITH CONGRESS.—The Secretary shall consult with the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate concerning the design of the report described in this section.

SEC. 109. LOCAL ADVISORY GROUP.

(a) ESTABLISHMENT.—Any local educational agency desiring to receive an allotment under this Act shall form a local advisory group.

(b) COMPOSITION.—

(1) IN GENERAL.—Each local advisory group described in subsection (a) shall be composed of representatives of groups such as—

(A) local government agencies;

(B) community-based organizations;

(C) service providers;

(D) teachers;

(E) parents;

(F) colleges and universities;

(G) businesses;

(H) principals and other school administrators;

(I) counselors, school psychologists and social workers;

(J) students;

(K) State educational agencies and State boards of education;

(L) labor;

(M) Offices of the mayor;

(N) religious leaders; and

(O) organizations with an interest in improving urban education and expertise in the delivery of services needed by the schools selected to participate in a program assisted under this Act.

(2) APPOINTMENT.—The superintendent of schools and the president of the board of education of the eligible local educational agency applying for funds under this title shall appoint the members of the local advisory group. The local advisory group

may contain as many members as is necessary to ensure a comprehensive community-wide program to improve urban education.

(3) REPRESENTATION.—The local advisory group shall be representative of the community and shall be balanced according to the race, ethnicity, native language background, and gender of its members, to the extent practicable.

(c) FUNCTIONS.—The local advisory group shall—

(1) advise the eligible local educational agency on the design and conduct of a needs assessment for all schools expected to participate in the program assisted under this title;

(2) assist in planning for community-wide collaboration in service delivery for students in schools expected to be served by the program assisted under this title;

(3) advise the eligible local educational agency and the community on how they can work together to use multiple service providers;

(4) advise and assist the eligible local educational agency on the implementation of the program assisted under this title and review evaluations of such program's success;

(5) review and approve applications submitted to the eligible local educational agency by community-based organizations pursuant to section 103(b);

(6) advise the eligible local educational agency on strategies for increasing parent involvement and the number of school volunteers and role models in schools; and

(7) review the success of community-based programs assisted under this title for progress on the national education goals.

(d) USE OF EXISTING LOCAL ADVISORY GROUP.—To the extent that an eligible local educational agency has established a broadly representative local advisory group before enactment of this Act that is comparable to the local advisory group described in this section, such existing local advisory group shall be considered to be in compliance with the provisions of this section.

SEC. 110. SPECIAL RULES.

(a) RANKING OF SCHOOLS TO DETERMINE RELATIVE NEED.—

(1) IN GENERAL.—Each eligible local educational agency desiring to receive an allotment under this title shall, in order to determine which schools are most in need of services under this title,

separately rank all schools under the jurisdiction of such agency on the basis of—

(A) achievement;

(B) poverty; and

(C) racial isolation.

(2) PERCENTAGE OF SCHOOLS TO BE SERVED.—Each eligible local educational agency that receives an allotment under this title shall serve at least 10 percent, but not more than 20 percent, of the schools under the jurisdiction of such agency.

(3) CRITERIA FOR SCHOOLS TO BE SERVED.—Subject to the provisions of paragraph (2) of this section, each eligible local educational agency that receives an allotment under this title—

(A) shall serve any school that is determined to be most in need with respect to all 3 rankings described in paragraph (1);

(B) may serve any school that is determined to be most in need with respect to any 1 or more of such rankings; and

(C) may serve any school that received assistance under this title in a previous fiscal year.

(b) FLEXIBILITY.—Each eligible local educational agency shall have the flexibility to serve homeless children,

desegregating students, immigrants, migrants or other highly mobile populations within the program assisted under this title.

(c) CHAPTER 1 SCHOOL IMPROVEMENT PLAN.—The approved program for any school served under sections 1020 and 1021 of the Elementary and Secondary Education Act of 1965, may be considered sufficient to meet the requirements of the provisions of section 106(b)(1) of this Act.

TITLE II—SCHOOL BUILDING REPAIR AND RENOVATION

SEC. 201. PURPOSE; AUTHORIZATION OF APPROPRIATIONS.

(a) PURPOSE.—It is the purpose of this title to provide assistance to eligible local educational agencies to assist such agencies in repairing, and renovating, instructional facilities in city schools.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 to carry out the provisions of this title.

SEC. 202. ALLOCATION OF FUNDS.

(a) RESERVATION.—From the amount appropriated or otherwise made available to carry out the provisions of this title for any fiscal year, the Secretary shall reserve

1 percent of such amount to monitor activities assisted
2 under this title.

3 (b) ALLOTMENTS.—From the remainder of sums not
4 reserved under subsection (a), the Secretary shall allot to
5 eligible local educational agencies with an approved
6 application—

7 (1) 33 percent of such funds on the basis of the
8 number of children in the eligible local educational
9 agency between the ages of 5 and 17 who are mem-
10 bers of families whose income does not exceed the
11 income official poverty line (as defined by the Office
12 of Management and Budget), according to the most
13 recent decennial census, divided by the number of all
14 such children in all eligible local educational agen-
15 cies;

16 (2) 33 percent of such funds on the basis of the
17 number of school buildings used for instructional
18 purposes in the eligible local educational agency, di-
19 vided by the number of all such buildings in all eligi-
20 ble local educational agencies; and

21 (3) 33 percent of such funds on the basis of the
22 number of school buildings in the eligible local edu-
23 cational agency which are used for instructional pur-
24 poses and which are more than 25 years old, divided

by the number of all such buildings in all eligible local educational agencies.

SEC. 203. APPLICATION.

(a) APPLICATION.—

(1) IN GENERAL.—Any eligible local educational agency desiring to receive an allotment to carry out the provisions of this title shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

(2) DURATION.—Each application submitted pursuant to paragraph (1) shall be for a period of not more than 3 years.

(3) ANNUAL REVIEW.—Each application submitted pursuant to paragraph (1) shall be subject to annual review.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall contain—

(1) an assessment of needs for building repair, renovation and construction;

(2) the name and location of all sites scheduled for repair, renovation or construction and a description of the activities planned at each site; and

(3) a description of accounting procedures used to assure proper disbursement of Federal funds.

SEC. 204. REPAIR AND RENOVATION.

Each eligible local educational agency receiving an allotment under section 202(b) shall use 50 percent of such allotment to conduct programs for—

(1) repair and renovation of school buildings used for instruction;

(2) installation or upgrading of school security and communications systems;

(3) construction of new buildings that will serve to replace old facilities that are most cost effectively torn down rather than renovated;

(4) alterations to buildings to meet special program, curricula, or school-site management needs;

(5) alterations to buildings to meet certain special population needs, such as the needs of homeless children and preschool children;

(6) alterations to school buildings to enable such buildings to serve as one-stop family support centers;

(7) facilities' costs associated with lengthening the school day or school year; and

(8) upgrading of and alterations to buildings to accommodate new instructional technology.

SEC. 205. ENVIRONMENT AND SAFETY.

Each eligible local educational agency receiving an allotment under section 202(b) shall use 50 percent of such allotment to conduct programs for—

(1) energy conservation;

(2) removal or containment of environmentally hazardous material, such as asbestos, lead and radon;

(3) meeting the requirements of section 504 of the Rehabilitation Act of 1973; and

(4) meeting local, State or Federal laws or regulations enacted or promulgated since the initial construction of a building related to fire, air, light, noise, waste disposal, building height or other.

SEC. 206. WAIVER.

The Secretary may waive the 50 percent requirements described in sections 204 and 205 for any eligible local educational agency that demonstrates to the satisfaction of the Secretary a greater need for services described in section 204 or 205.

TITLE III—URBAN SCHOOL RESEARCH

SEC. 301. AUTHORIZATION.

There are authorized to be appropriated to the National Institute for Urban Education such sums as may be necessary for each of the fiscal years 1992, 1993, 1994,

1995, 1996, and 1997 to carry out the provisions of this title.

SEC. 302. ASSISTANT SECRETARY FOR URBAN EDUCATION.

(a) AMENDMENT TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Title II of the Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended—

(1) in section 202(b)(1) by—

(A) striking "and" at the end of subparagraph (F);

(B) striking the period at the end of subparagraph (G) and inserting a semicolon and "and"; and

(C) inserting at the end thereof the following new subparagraph:

"(H) an Assistant Secretary for Urban Education."; and

(2) inserting at the end thereof the following new section:

"SEC. 215. NATIONAL INSTITUTE FOR URBAN EDUCATION.

"There shall be in the Department a National Institute for Urban Education, established in accordance with title III of the Urban Schools of America (USA) Act of 1991.".

(b) AMENDMENT TO TITLE V.—Section 5315 of title 5, United States Code is amended by by striking "Assistant Secretaries of Education (6)" and inserting "Assistant Secretaries of Education (7)".

SEC. 303. RESERVATION, ALLOTMENT, ALLOCATION.

(a) RESERVATION FOR NATIONAL INSTITUTE OF URBAN EDUCATION.—From the amount appropriated or otherwise made available to carry out the provisions of this title in any fiscal year, the Assistant Secretary for Urban Education (hereafter in this title referred to as the "Assistant Secretary") shall reserve 20 percent of such funds for the operation of the National Institute for Urban Education (hereafter in this title referred to as the "Institute").

(b) ALLOTMENTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—From the remainder of sums not reserved under subsection (a), the Assistant Secretary shall make allotments to eligible local educational agencies in an amount which bears the same relation to such remainder as the number of students enrolled in the eligible local educational agency bears to the total number of students enrolled in all eligible local educational agencies.

SEC. 304. NATIONAL INSTITUTE OF URBAN EDUCATION.

(a) ESTABLISHMENT.—From amounts reserved under section 303(a), the Assistant Secretary shall estab-

lish an institute to be known as the National Institute of Urban Education.

(b) FUNCTIONS.—The Institute shall—

(1) assist eligible local educational agencies under this Act, or consortia of such agencies, in developing research and evaluation activities to assess progress toward meeting the national education goals;

(2) provide for the conduct of research which will assist urban schools in enhancing learning, teaching, and system management;

(3) provide training in research and evaluation methods and techniques that meet the purposes of this Act;

(4) evaluate and disseminate among eligible local educational agencies results of activities conducted pursuant to title I of this Act;

(5) design and coordinate, in consultation with eligible local educational agency activities, a comprehensive and cohesive research and evaluation strategy for assessing progress under this Act;

(6) serve as a clearinghouse on urban education research and evaluation findings, policies, and practices;

(7) design, test, define, and promote common indicators of progress toward the national education goals; and

(8) design, develop, and test new multiple-measures of school progress toward the national education goals.

(c) GOVERNANCE.—The Institute shall have a Governing Board.

(1) COMPOSITION AND APPOINTMENT.—

(A) COMPOSITION.—The Governing Board shall consist of 22 members, selected from a pool of candidates nominated by the superintendent and the president of the Board of Education of the eligible local educational agencies.

(B) APPOINTMENT.—The Majority Leader of the House of Representatives and the Majority Leader of the Senate shall each appoint six members to the Governing Board from individuals nominated pursuant to subparagraph (A). The Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 3 members to the Governing Board from individuals nominated pursuant to subparagraph (A). The Secretary

shall appoint 4 members to the Governing Board from individuals nominated pursuant to subparagraph (A).

(2) TERMS OF OFFICE.—

(A) IN GENERAL.—Members of the Governing Board shall be appointed for a period of 3 years.

(B) REAPPOINTMENT.—Members of the Governing Board may be reappointed to the Governing Board.

(3) DUTIES.—The Governing Board shall—

(A) establish the national research and evaluation program for the Institute;

(B) review the programs and activities of the Institute; and

(C) issue an annual report to the Congress and the public on the progress of urban schools in meeting the goals of this Act.

(4) LEADERSHIP.—The Assistant Secretary shall be the primary individual responsible for the daily operation of the Institute.

(5) STAFF.—Such personnel as the Institute deems necessary may be appointed to carry out the functions of the Institute.

(d) CONTRACTS AND GRANTS.—

(1) IN GENERAL.—The Institute may award grants to or enter into contracts with eligible local educational agencies, universities, research and development centers, private corporations, or regional educational laboratories to carry out the duties of the Institute.

(2) COMPETITIVE AWARDS.—Grants and contracts awarded under paragraph (1) shall be awarded on a competitive basis.

SEC. 305. APPLICATION.

(a) IN GENERAL.—Any eligible local educational agency desiring to receive an allotment under section 303(b) shall—

(1) submit an application to the Assistant Secretary;

(2) consult with the Department of Education, local universities, research institutes, laboratories, or centers for purposes of planning and implementing a plan of research and technical assistance for the eligible local educational agency and schools of the local educational agency participating in programs assisted under title I; and

(3) describe in the application a research and technical assistance plan and how assistance pro-

vided under this title will be used to assess progress on the national education goals.

(b) CONSORTIA.—Eligible local educational agencies may pool their allotments under section 303(b), in whole or in part, to design and conduct cooperative data collection, evaluation and information dissemination activities.

SEC. 306. USES OF FUNDS.

Funds allotted to eligible local educational agencies under section 303(b) may be used for—

(1) collaborative and coordinated research and evaluation of educational techniques or approaches used in multiple eligible local educational agencies;

(2) evaluation of projects assisted under title I;

(3) collection and dissemination of information on successful projects and approaches assisted under title I;

(4) design and implementation of extension service programs to allow an eligible local educational agency to provide technical assistance to individual schools and teachers involved in projects assisted under title I;

(5) provision of data and information management services to individual schools assisted under title I;

(6) provision of staff training in schools assisted under title I;

(7) evaluation of progress made by eligible local educational agencies assisted under this Act in meeting national education goals;

(8) provision of staff training in test interpretation and use for diagnostic purposes;

(9) provision of information to parents on test results and test interpretation;

(10) provision of technology and training in its research and evaluation uses;

(11) development of assessment tools of students in individualized instruction;

(12) research on school policies and practices which may be barriers to the success of students in school; and

(13) development and testing of new multiple, alternative assessments of student progress toward the national education goals which are race and gender bias-free and sensitive to limited-English proficient and disabled students.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INTERAGENCY COUNCIL ON URBAN SCHOOLS.

(a) ESTABLISHMENT.—There is established the Interagency Council on Urban Schools (hereafter in this section referred to as the "Council").

(b) COMPOSITION.—

(1) IN GENERAL.—The Council shall consist of—

(A) the Secretary of Education who shall serve as Chairperson of the Council;

(B) the Secretary of Labor;

(C) the Secretary of Health and Human Services;

(D) the Secretary of Agriculture;

(E) the Attorney General of the United States;

(F) the Secretary of Energy;

(G) the Director of the Environmental Protection Agency;

(H) the Director of the Commission on Civil Rights;

(I) the Chairperson of the Advisory Commission on Intergovernmental Relations;

(J) the Chairpersons of the National Endowments on the Arts and the Humanities;

(K) the Director of the National Science Foundation;

(L) the Secretary of Housing and Urban Development; and

(M) such other officers of the Federal Government as may be designated by the President or the Chairperson of the Council to serve wherever matters within the jurisdiction of the agency headed by such an officer are to be considered by the Council.

(2) REPRESENTATION.—Each individual described in paragraph (1) may designate a person to represent such individual on the Council.

(3) DURATION.—Each member shall be appointed for as long as such member serves as the head of the appropriate department or agency.

(4) PRINCIPAL ADVISOR.—The Chairperson of the Council shall be the President's principal advisor on urban schools.

(c) QUORUM.—Seven members of the Council shall constitute a quorum for the purposes of transmitting recommendations and proposals to the President, but a lesser number may meet for other reasons.

(d) MEETINGS.—The Council shall meet at least 2 times each year. When a Council member is unable to attend a meeting, the Council member shall appoint an appropriate Assistant Secretary or an equivalent individual from the department or agency of the member to represent the member for that meeting.

(e) DUTIES OF THE COUNCIL.—The Council shall—

(1) review programs and activities conducted by each department or agency represented on the Council to determine the effects of such programs and activities on the ability of urban schools to meet national education goals;

(2) track progress of urban schools in meeting national education goals;

(3) solicit information and advice from experts in urban education and representatives of urban schools on how the Federal Government could improve the programs and activities of the Federal Government which serve urban school students;

(4) review regulations across various departments or agencies of the Federal Government for duplication or contradiction;

(5) issue an annual report to Congress and the President on the progress urban schools are making in meeting national education goals, and on how

Congress might change Federal programs to improve the effectiveness of such programs in urban schools;

(6) review and make recommendations regarding ways to improve or streamline various Federal data collection activities in urban schools; and

(7) conduct such research as may be helpful to urban school practitioners in improving the performance of students attending urban schools.

SEC. 402. WHITE HOUSE CONFERENCE ON URBAN EDUCATION.

(a) AUTHORIZATION TO CALL CONFERENCE.—

(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Urban Education (hereafter referred to as the "Conference") which shall be held not earlier than November 1, 1992, and not later than October 30, 1993.

(2) PURPOSE.—The purpose of the White House Conference on Urban Education shall be to—

(A) develop recommendations and strategies for the improvement of urban education;

(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials

to assist urban schools in achieving national education goals; and

(C) conduct the initial planning for a permanent national advisory commission on urban education.

(b) COMPOSITION OF CONFERENCE.—

(1) IN GENERAL.—The Conference shall be composed of—

(A) representatives of urban public school systems, including board of education members and school superintendents;

(B) representatives of the Congress, the Department of Education and other Federal agencies;

(C) State elected officials and representatives from State educational agencies; and

(D) individuals with special knowledge of and expertise in urban education.

(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Speaker of the House of Representatives shall select one-third of such participants, and the President pro tempore of the Senate shall select the remaining one-third of such participants.

(3) REPRESENTATION.—In selecting the participants of the Conference the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall ensure that the participants are as representative of the ethnic, racial, and language diversity of cities as is practicable.

(c) REPORTS.—

(1) IN GENERAL.—A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than 120 days following the termination of the Conference. The final report shall be made public and, within 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local urban school leaders.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for fiscal year 1993 such sums as may be necessary to carry out the provisions of this section.

(2) AVAILABILITY.—Amounts made available pursuant to the authority of paragraph (1) shall remain available until expended.

SEC. 403. AUGUSTUS F. HAWKINS NATIONAL COMMISSION ON URBAN EDUCATION.

(a) ESTABLISHMENT.—There is established a National Commission on Urban Education (referred to hereafter as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 12 members. Four of the members shall be appointed by the President. Four of the members shall be appointed by the Speaker of the House, including two Members of the House, of which 1 shall be from each political party. Four of the members shall be appointed by the President pro tempore of the Senate, including 2 members of the Senate, of which 1 shall be from each political party.

(2) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the

Commission and shall continue to serve for the duration of the Commission.

(3) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) STUDY.—The Commission shall make a study of the following issues:

(1) DEMOGRAPHIC CHANGES.—Demographic changes in student enrollment and classroom teachers in the 10-year period prior to the date of enactment of this Act.

(2) SPECIAL NEEDS.—Numbers and types of special needs of students in urban schools.

(3) UNSERVED OR UNDERSERVED STUDENTS.—Number of unserved or underserved students in urban schools eligible for assistance under the Head Start Act, chapter 1 of title I of the Elementary and Secondary Education Act of 1965, School Dropout Demonstration Assistance Act of 1988, Drug Free Schools and Communities Act of 1986, Carl D. Perkins Vocational and Applied Technology Education Act, Education of the Handicapped Act and other Federal programs.

(4) STUDENT PERFORMANCE.—Program and management efforts in urban schools designed to en-

hance student performance, and reasons for the effectiveness of such efforts.

(5) FINANCIAL SUPPORT.—Financial support and funding needs of urban schools from local, State, and Federal sources.

(6) COLLABORATIVE EFFORTS.—Collaborative efforts and programs between urban schools, the private sector, and community groups.

(7) SUPPLY NEEDS.—Supply needs for teachers in urban schools in the 10-year period beginning on the date of enactment of this Act.

(d) REPORTS.—

(1) IN GENERAL.—The Commission shall prepare and submit a report and recommendations to the President and to the appropriate committees of the Congress on the findings of the study required by this section. The report shall be submitted as soon as practicable.

(2) PROPOSAL FOR CHANGES IN FEDERAL LEGISLATION.—The report submitted under this section shall include proposals for changes in Federal legislation.

(e) STAFF.—Such personnel as the Commission deems necessary may be appointed by the Commission without regard to the provisions of title 5, United States

Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall be paid in excess of the rate authorized for level III of the Executive Schedule.

(f) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States. Such members may be allowed travel expenses and per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(2) SPECIAL RULE.—Members of the Commission who are not officers or full-time employees of the United States may receive such per diem and travel allowance as is provided by the United States Code for persons in the Government service employed intermittently.

(g) ADMINISTRATION.—

(1) IN GENERAL.—The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out the

provisions of this section, hold such hearings and sit and act at such times and such places within the United States as the Commission or such committee may deem advisable.

(2) CONSULTATION.—In carrying out its duties under this section, the Commission shall consult with other Federal agencies, representatives of State and local governments, and private organizations to the extent feasible.

(3) INFORMATION.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this section, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request by the Chair.

(4) CONTRACTS.—The Commission is authorized to enter into contracts to secure the necessary data and information to conduct its work and to obtain the services of experts and consultants.

(5) COOPERATION.—The heads of all Federal agencies are, to the extent practicable, directed to cooperate with the Commission in carrying out this section.

(6) SPECIAL RULE.—The Commission is authorized to utilize, with the consent of such agencies, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement.

(h) TERMINATION.—The Commission shall terminate 3 years after the date of its first meeting.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for fiscal year 1993 such sums as may be necessary to carry out the provisions of this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authority of paragraph (1) shall remain available until expended or until the termination of the Commission, whichever occurs first.

SEC. 404. FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.

An eligible local educational agency may use funds received under this Act only so as to supplement and, to the extent practicable, increase the level of funds that

would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this Act and in no case may such funds be used to supplant such funds from such non-Federal sources.

SEC. 405. DEFINITIONS.

Except as otherwise provided, for the purposes of this Act—

(1) the term "central city" has the same meaning as that used by the United States Census Bureau;

(2) the term "community-based organization" means a private nonprofit organization which is representative of a community or significant segments of a community and which has a proven record of providing effective educational or related services to individuals in the community;

(3) the term "eligible local educational agency" means a local educational agency which—

(i) serves the largest central city in a State; or

(ii) enrolls 30,000 or more students and serves a central city with a population of at least 200,000 in a metropolitan statistical area;

(4) the term "institution of higher education" has the meaning given to such term in section 1201(a) of the Higher Education Act of 1965;

(5) the term "local educational agency" has the meaning given to such term in section 1421(12) of the Elementary and Secondary Education Act of 1965;

(6) the term "metropolitan statistical area" has the same meaning as that used by the United States Census Bureau;

(7) the term "poverty level" means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for All Urban Consumers;

(8) the term "Secretary" means the Secretary of Education;

(9) the term "State" means each of the several States and the District of Columbia, but does not include Guam, American Samoa, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau; and

(10) the term "State educational agency" has the meaning given to such term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

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